

REMARKS/ARGUMENTS

Specification

The Examiner has appropriately indicated that the specification must include Cross-references to Related Applications, a Brief Description of the Several Views of the Drawing(s), and an Abstract of the Disclosure.

Accordingly, the specification has been so amended. The amendments appear to be essentially the same as those sections in the application as originally filed, assuring that no new matter has been entered.

Claim Rejections

35 U.S.C. § 112

The Examiner has courteously explained numerous improper terminology in claims 1 through 5.

These claims have been canceled and five new claims have been provided. These new claims, Applicant respectfully believes, have eliminated the violations of 35 U.S.C. § 112. Since the new claims are essentially the same as the claims in the application as originally filed, Applicant respectfully understands that there is no new matter and that there is the requisite antecedent basis for these new claims.

35 U.S.C. § 103

The Examiner has stated:

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crimp in view of Gonsett et al.

Crimp discloses all of the claimed subject matter except for having a second socket within the second end of the body. Gonsett et al discloses a double ended socket with a second socket within the second end of the body. It would have been obvious to one having ordinary skill in the art to form the device of Crimp as double ended with a second socket within the second end of the body to provide a convenient tool with added versatility in a single device as taught by Gonsett et al.

Applicant respectfully suggest that neither Crimp (United States patent no. 1,471,451) nor Gonsett et al. (United States patent no. 2,453,901) teaches having “a square aperture in a center section of the body” to accommodate a driving tool as provided in independent claims 6 and 10. (Dependent claims 7 through 9 all depend on claim 1.)

Crimp does not discuss how the socket wrench of that patent is driven. In lines 63 through 65 on page 1, Crimp does, however, state, “A stem 2 is secured to the casing by any suitable means, as, for instance, by welding, screw threading or the like . . .” The remaining text and the figures of Crimp indicate that the stem is located at the end of the wrench opposite to the aperture which accommodates a nut. This end stem 2 appears to be the only feasible location for attaching a driving tool to the socket wrench of Crimp.

The Gonsett et al. patent explains, in lines 1 through 3 of column 2, that the compound wrench and screw driver of that patent has “hand hold surfaces C” at the “ends of the tube T” and, in lines 41 through 44 of column 3, “When desired, a clasp end wrench or a pair of pinchers may be engaged on the flat surface F of the wrench and be used as a lever for turning it.

Moreover, the present Socket Tool is constructed to use fewer springs and pins than does the socket wrench of Crimp.

And Applicant is respectfully uncertain that there is the suggestion to combine Crimp and Gonsett et al. that is required by appropriate judicial precedent.

In the case of *In re Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430, 2002 U.S. App. LEXIS 855 (Fed. Cir. January 18, 2002), the United States Court of Appeals for the Federal Circuit declared, “The factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record.” The Court indicated that when the United States Patent and Trademark Office relies on what it asserts to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record.

The Court, moreover, had previously, in *Dow Chemical Co. v. American Cyanamid Co.*, 816 F.2d 617, 622, 2 U.S.P.Q.2d 1350, 1355 (Fed. Cir. 1987) and in *Yamanouchi Pharmaceutical Co. Ltd. V. Marsam Pharmaceuticals, Inc.*, 231 F.3d 1339, 56 U.S.P.Q.2d 1641 (Fed. Cir.), *reh’g denied*, 2000 U.S. App. LEXIS 34047 (2000), indicated that prior art relied upon for a rejection, plus general knowledge in the art at the time of the invention, must contain some motivation for the skilled artisan to modify or combine references; the motivation for such modification or combination cannot be based upon an applicant’s specification.

Applicant appreciates the Examiner's patience and respectfully requests the Examiner to allow claims 6 through 10.

DATED this 3rd day of November, 2004.

Respectfully,

Jerry L. Losee

By Thompson E. Fehr
Thompson E. Fehr
Attorney
Registration No. 31353
(801) 393-6292

Attorney's Address:

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403